

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Carter	Team: Squad #3	CCRB Case #: 201709654	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 11/04/2017 11:25 AM	Location of Incident: En route to the 109th Precinct; 109th Precinct stationhouse parking lot; 109th Precinct stationhouse	Precinct: 109	18 Mo. SOL 5/4/2019	EO SOL 5/4/2019	
Date/Time CV Reported Tue, 11/21/2017 1:29 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/21/2017 1:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Elias Dallis	26491	948287	109 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Peter Repetti	14812	937894	109 PCT
2. POM Wai Naing	13016	960994	109 PCT
3. POM Reynel Stewart	23605	955537	109 PCT
4. LT Mark Riyanto	00000	949552	109 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Elias Dallis	Discourtesy: En route to the 109th Precinct stationhouse, Police Officer Elias Dallis acted discourteously toward § 87(2)(b)	
B.POM Elias Dallis	Abuse: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis threatened § 87(2)(b) with the use of force.	
C.POM Elias Dallis	Discourtesy: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis spoke discourteously to § 87(2)(b)	
D.POM Elias Dallis	Force: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis restricted § 87(2)(b)'s breathing.	
E.POM Elias Dallis	Force: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis used physical force against § 87(2)(b)	
F.POM Elias Dallis	Force: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis used physical force against § 87(2)(b)	
G.POM Elias Dallis	Abuse: Inside of the 109th Precinct stationhouse, Police Officer Elias Dallis damaged § 87(2)(b)'s property.	

Case Summary

On November 4, 2017, Sergeant Mark Riyanto of the 109th Precinct reported this complaint to IAB (log #2017-43449) over the phone on behalf of § 87(2)(b). § 87(2)(b) filed this complaint with the CCRB over the phone on November 21, 2017 and also filed the complaint by mailing a letter, which the CCRB received on December 18, 2017.

§ 87(2)(g)

§ 87(2)(b) On October 8, 2020, § 87(2)(b) requested that his case be reopened by mail. The CCRB received his letter on October 13, 2020. On January 6, 2021, Executive Director Jonathan Darche recommended that the investigation resume.

§ 87(2)(b), § 87(2)(b) was arrested (§ 87(2)(b)) for § 87(2)(b). Officers lodged § 87(2)(b) in the 109th Precinct stationhouse until approximately 10:29 a.m. on November 4, 2017, when he was taken to Queens Central Booking. At approximately 11:25 a.m., § 87(2)(b) was rejected from Queens Central Booking due to his uncooperative and disrespectful behavior. PO Dallis and his partner Police Officer Peter Repetti of the 109th Precinct transported § 87(2)(b) back to the 109th Precinct stationhouse. On the way back to the 109th Precinct stationhouse, PO Dallis allegedly stopped the vehicle abruptly, causing § 87(2)(b) to hit his head on the partition between the back seat and the front seat (**Allegation A: Discourtesy**, § 87(2)(b)). In the parking lot of the 109th Precinct stationhouse, PO Dallis allegedly said, “I’m gonna punish you. Teach you a lesson for fucking with us,” and “Fuck you, your mother,” to § 87(2)(b) (**Allegation B: Abuse of Authority**, § 87(2)(g)). **Allegation C: Discourtesy**, § 87(2)(g) PO Dallis placed a blanket or jacket over § 87(2)(b)’s head, restricting his breathing (**Allegation D: Force**, § 87(2)(g)). PO Dallis pulled § 87(2)(b) out of the vehicle, slammed his head onto the ground, and punched him multiple times in the head and back (**Allegation E: Force**, § 87(2)(g)). **Allegation F: Force**, § 87(2)(g) Officers picked up § 87(2)(b) and brought him into the stationhouse with the assistance of Police Officer Wai Nang of the 109th Precinct. Once inside, PO Dallis allegedly forcefully removed § 87(2)(b)’s belt, causing the belt buckle to pop off and two of the loops on his pants to break (**Allegation G: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was transported to § 87(2)(b) and was subsequently taken back to Queens Central Booking. § 87(2)(b) sustained lacerations on his forehead and knee as a result of this incident. No additional summons were issued and no additional arrests were made as a result of this incident.

Sgt. Riyanto has since been promoted to a lieutenant and now works in the 67th Precinct.

This case does not contain video footage because none of the officers were equipped with body-worn cameras and because stationhouse security video expired.

Findings and Recommendations

Allegation (A) Discourtesy: En route to the 109th Precinct stationhouse, Police Officer Elias Dallis acted discourteously toward § 87(2)(b)

In a sworn statement, § 87(2)(b) stated that after getting into an argument with officers at Queens Central Booking, PO Dallis and PO Repetti drove him back to the 109th Precinct stationhouse (**08, 12 Board Review**). PO Dallis drove “frantically” and stopped short, causing § 87(2)(b) to bump his forehead once on the partition. This did not cause any injuries. § 87(2)(b) believed PO Dallis intentionally drove that way because the sirens were on unnecessarily, and PO Dallis stopped short on the highway.

In his CCRB interviews, PO Dallis stated that traffic was light on the date of the incident and that he drove the police vehicle at a normal speed without using lights or sirens (**13 Board Review**). There were no accidents or unexpected events on the road while PO Dallis drove. PO Dallis did not brake suddenly while driving. § 87(2)(b) s head never hit the partition and he never heard anything that would indicate that this happened.

In his CCRB interview, PO Repetti stated that during the ride back to the stationhouse, § 87(2)(b) was banging on the partition with his head, or kicking (**09 Board Review**). PO Repetti did not remember whether PO Dallis stopped short, but stated that he did not make any maneuvers while driving to jostle § 87(2)(b) or cause him to move “unnaturally.” PO Repetti said he would not know if § 87(2)(b) s head hit the partition as a result of anything PO Dallis had done while driving, and denied hearing § 87(2)(b) s head hit the partition.

Sgt. Riyanto, PO Stewart, and PO Naing were not present in the police vehicle while PO Dallis and PO Repetti were driving § 87(2)(b) from Queens Central Booking to the 109th Precinct stationhouse (**18, 10, 11 Board Review**).

§ 87(2)(g)
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Allegation (B) Abuse of Authority: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis threatened § 87(2)(b) with the use of force.

Allegation (C) Discourtesy: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis spoke discourteously to § 87(2)(b)

Allegation (D) Force: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis restricted § 87(2)(b)'s breathing.

In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis used physical force against § 87(2)(b)

Allegation (F) Force: In the 109th Precinct stationhouse parking lot, Police Officer Elias Dallis used physical force against § 87(2)(b)

In his CCRB interviews, § 87(2)(b) stated that he rode the rest of the way to the 109th Precinct stationhouse in handcuffs and leg shackles (**08, 12 Board Review**). Once at the 109th Precinct stationhouse parking lot, PO Dallis entered the stationhouse and returned with a grey blanket. When PO Dallis returned, he and PO Repetti opened the rear doors to the car and PO Dallis said, "I'm gonna punish you. Teach you a lesson for fucking with us." PO Dallis used additional profanities and epithets, including saying, "Fuck you, your mother." PO Dallis and § 87(2)(b) cursed at each other. PO Dallis then threw the blanket over § 87(2)(b)'s head, which restricted his breathing. PO Dallis pulled § 87(2)(b) out of the car by his torso, and § 87(2)(b) fell to the ground, causing lacerations across § 87(2)(b)'s forehead and lacerations to his left knee. In his second CCRB interview, § 87(2)(b) alleged that PO Dallis slammed his head into the ground. PO Dallis punched § 87(2)(b) four to five times in the back and the head while sitting on him. § 87(2)(b) noticed PO Naing in the parking lot with his Taser out of his holster, but he did not point it anywhere. Officers picked § 87(2)(b) up and brought him into the stationhouse.

In his CCRB interview, PO Dallis stated that on the way back to the 109th Precinct stationhouse, § 87(2)(b) swore and spat at the divider between the rear and front seats (**13 Board Review**). § 87(2)(b) was handcuffed but not shackled. PO Dallis considered requesting ESU to come to the stationhouse to put a cover over § 87(2)(b)'s mouth to prevent him from spitting, but he chose not to because § 87(2)(b) stopped spitting upon arrival at the stationhouse. PO Dallis opened the police vehicle's door and unbuckled § 87(2)(b)'s seatbelt. Immediately, § 87(2)(b) laid back in the police vehicle's rear seat and raised his legs as though he was ready to kick. § 87(2)(b)'s feet were closest to the open door and his head was closer to the other side of the vehicle. PO Dallis grabbed § 87(2)(b) by the legs and pulled "a little bit" forcefully until § 87(2)(b) was sitting upright with his buttocks on the car seat and his feet on the ground. PO Dallis used no additional force. Once § 87(2)(b) was sitting, PO Dallis and PO Repetti picked § 87(2)(b) up from a sitting position and walked with him to the stationhouse. Each officer was holding on to one of § 87(2)(b)'s arms. On the way into the stationhouse, § 87(2)(b) spat into the air, but nobody was hit by the spit.

PO Dallis stated that he did not throw § 87(2)(b) on the ground or pull him to the ground (**13 Board Review**). § 87(2)(b) never hit the ground. § 87(2)(b)

§ 87(2)(b) was not injured during this incident. PO Dallis denied punching § 87(2)(b). PO Dallis was not wearing a jacket on this day. He was wearing a uniform with long sleeves. PO Dallis did not remember if PO Repetti was wearing a jacket on this day. There are no extra jackets or blankets in the RMP. PO Dallis did not remember whether there were any masks in the 109th Precinct stationhouse. PO Dallis did not put a jacket, blanket, mask, or anything else that could have restricted breathing over § 87(2)(b) face. PO Dallis did not tell § 87(2)(b) “I’m going to punish you, teach you a lesson for fucking with us,” or “Fuck you, your mother.” He did not use profanity during this incident.

In his CCRB interview, PO Repetti stated that in the parking lot, § 87(2)(b) was spitting at PO Repetti and PO Dallis (**09 Board Review**). PO Dallis put a dust-mask, similar to the ones worn by medical staff, over his face. PO Repetti said he was not aware of anything other than the mask being placed over § 87(2)(b) s head and denied that PO Dallis did anything that could have restricted § 87(2)(b) s breathing. PO Repetti denied that PO Dallis made the alleged statements, used profanity, or threatened to use force against § 87(2)(b). PO Repetti did not remember how § 87(2)(b) got out of the car or if he needed assistance, but denied that any officer used force against § 87(2)(b) in the stationhouse parking lot. He also denied the specific force alleged by § 87(2)(b). PO Repetti did not notice injuries on § 87(2)(b).

In his CCRB interview, Sgt. Riyanto stated that during this incident, he was working as the desk officer of the 109th Precinct when PO Dallis and PO Repetti returned from Queens Central Booking with § 87(2)(b) (**18 Board Review**). § 87(2)(b) was handcuffed and shackled. Sgt. Riyanto saw that § 87(2)(b) had abrasions on his forehead. PO Dallis and PO Repetti told Sgt. Riyanto that as they were taking § 87(2)(b) out of their police vehicle in the stationhouse parking lot, he began to spit and act combatively toward them. PO Dallis stated that, in the process of taking § 87(2)(b) out of the vehicle, all three fell to the ground. § 87(2)(b) sustained the abrasions in the process. Sgt. Riyanto did not know how § 87(2)(b) and the officers fell to the ground. Sgt. Riyanto did not remember if PO Dallis told him that § 87(2)(b) went to the ground intentionally or unintentionally. PO Dallis and PO Repetti did not give any more details about § 87(2)(b) s actions in the parking lot. Sgt. Riyanto never heard PO Dallis make the alleged discourteous statement and never became aware that PO Dallis made it. Sgt. Riyanto did not witness PO Dallis pull § 87(2)(b) out of the vehicle or sit on § 87(2)(b) and punch him in the head and back. He never heard about PO Dallis doing this. Initially, Sgt. Riyanto did not know whether PO Dallis and PO Repetti put a jacket over § 87(2)(b) s head.

In his CCRB interview, PO Naing stated that PO Dallis asked him for help with an uncooperative prisoner, and he held the door open while PO Dallis brought § 87(2)(b) inside (**10 Board Review**). PO Naing did not recall if he could see any injuries on § 87(2)(b) if he observed any struggle, or if anything covered § 87(2)(b) s head. PO Naing did not see PO Dallis use force towards § 87(2)(b) and he did not recall how § 87(2)(b) exited the vehicle. PO Naing did not recall PO Dallis making the alleged statements or using the alleged force.

Police Officer Reynel Stewart was assigned to 109th Precinct stationhouse security and was outside of the front of the stationhouse (**11 Board Review**). Though PO Stewart could have gone to the parking lot, he did not recall doing so. PO Stewart did not recall the incident, did not witness PO Dallis use any force towards a civilian, and did not hear PO Dallis make the alleged statements.

According to the IAB log, at 12:49 p.m. on November 4, 2017, Sgt. Riyanto called IAB to report that force had been used against § 87(2)(b) while he was in custody and noted that officers attempted to place a jacket over his head because he was spitting, but as they were taking him out of the vehicle, PO § 87(2)(b) fought with the officers, and Dallis and § 87(2)(b) fell to the ground (**02 Board Review**). In his CCRB interview, Lt. Riyanto stated that he did not remember who told him that § 87(2)(b) was kicking and spitting on the way to the stationhouse (**18 Board Review**). After hearing the call, Lt. Riyanto did not know how he knew that officers put a jacket over § 87(2)(b)'s head and denied witnessing it.

PO Dallis reported information for a TRI report regarding this incident and Sgt. Riyanto entered the related information (**03 Board Review**). Sgt. Riyanto submitted the report for the first time at 1:53 p.m. on November 4, 2017 and the report was finalized at 10:02 p.m. on the same date. The report notes that at 11:25 a.m. on November 4, 2017, PO Dallis intentionally used a forcible takedown on § 87(2)(b) causing “lacerations/abrasions to forehead from falling to the ground with [PO Dallis] after being removed from the [police vehicle].” After reviewing this document during his CCRB interview, PO Dallis stated that he did not remember reporting this information and did not remember why the document included these details (**13 Board Review**). After reviewing this document during his CCRB interview, PO Repetti stated that he did not see the documented events occur (**09 Board Review**). In his CCRB interview, Sgt. Riyanto did not remember why he entered “yes” in the emotionally disturbed person section of the document. He did not remember why he entered, “forcible takedown” in the “force used by MOS section.” Lieutenant Riyanto did not remember what information he had that led him to note that § 87(2)(b)'s injuries were sustained as the result of intentional action but stated that the “intentional action” in the circumstances could have been the fact that officers were intentionally trying to get § 87(2)(b) out of the car in general.

In his memo book, PO Dallis wrote that § 87(2)(b) was acting “extremely disorderly, screaming profanities, and spitting” (**14 Board Review**). In his memo book, PO Repetti wrote that § 87(2)(b) was restrained in handcuffs and leg shackles, and that he was “very combative and was spitting in [the police vehicle]” (**17 Board Review**). PO Naing and PO Stewart did not prepare memo book entries regarding this incident (**16 Board Review**).

§ 87(2)(b)'s medical records from § 87(2)(b) note that he was diagnosed with abrasions to the left forehead and left knee, and mild tenderness to his back (**07 Board Review**). § 87(2)(b) stated that he was assaulted by NYPD officers, covered by a blanket, and hit his head on the pavement after being pulled out of a vehicle.

§ 87(2)(b) filed a civil lawsuit against PO Dallis, the NYPD, and the City of New York regarding this incident (**19 Board Review**). In his complaint, § 87(2)(b)

alleged the same general sequence of events as he did to the CCRB. The case was dismissed because § 87(2)(b) did not pay the court's filing fees.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Allegation (F) Discourtesy: Inside of the 109th Precinct stationhouse, Police Officer Elias Dallis damaged § 87(2)(b)'s property.

It is undisputed that PO Dallis accompanied § 87(2)(b) to the 109th Precinct stationhouse holding cell, where he removed § 87(2)(b)'s belt.

In his CCRB interview, § 87(2)(b) stated that once in the holding cell inside of the stationhouse, PO Dallis "brutally" pulled off his belt, breaking the buckle and causing it to fall to

the floor (**08, 12 Board Review**). In addition, two of the belt loops of § 87(2)(b) s jeans “popped.”

In his CCRB interview, PO Dallis stated that he took § 87(2)(b) s belt off before lodging him inside of the 109th Precinct stationhouse holding cells but denied damaging the belt (**13 Board Review**).

PO Repetti did not remember PO Dallis taking off § 87(2)(b) s belt or damaging § 87(2)(b) s property (**09 Board Review**). In their CCRB interviews, PO Naing and PO Stewart both stated that they did not observe any interaction between PO Dallis and § 87(2)(b) inside the stationhouse, and they did not recall PO Dallis damaging § 87(2)(b) s property (**10, 11 Board Review**). In his CCRB interview, Sgt. Riyanto stated that he neither witnessed nor heard about PO Dallis breaking § 87(2)(b) s belt (**18 Board Review**).

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Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
- § 87(2)(b)
- PO Dallis has been a member of service for nine years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
 - § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)
- § 87(2)(b) § 87(2)(c)

- As of January 8, 2019, a Notice of Claim had not been filed regarding this incident (**06 Board Review**).

Squad: 3

Investigator:	<u>Zev Carter</u>	<u>Investigator Zev Carter</u>	<u>08/10/2021</u>
	Signature	Print	Date

Squad Leader:	<u>Olga Golub</u>	<u>IM Olga Golub</u>	<u>08/10/2021</u>
	Signature	Print	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print	Date